

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on January 16, 2007, and the references cited therewith.

Claims 35, 37-43, 45-46, 48-50, 52-62 are amended, claims 1-34, 36, 44, 47 are canceled, and claims 63-71 are added; as a result, claims 35, 37-43, 45-46, 48-71 are now pending in this application. Applicant respectfully submits that claims 63-71 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Applicant has amended the claims to generally remove elements that are not currently pertinent to patentability. Applicant believes that each claim is still patentable based upon the prior art of record and respectfully requests reconsideration and allowance of these claims, as amended.

#### **§ 102 Rejection of the Claims**

Claims 35, 37-38, 45, 53-55, 57 and 62 were rejected under 35 USC §102(b) as being anticipated by Rhodes et al. (U.S. Patent No. 4,608,785). Upon Applicant's review of the Rhodes reference, the reference appears to teach a building having an atrium with a number of units around the atrium and a parking garage below the number of units.

However, in contrast, Applicant's claims 35 and 53 include each unit including a semi-public area adjacent to an entrance into the unit and adjacent to the atrium. The reference does not appear to teach such a structure and therefore the reference does not teach each and every element of Applicant's inventions of claims 35 and 53. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of claims 35 and 53 and to those that depend therefrom.

§103 Rejection of the Claims

Claim 56 was rejected under 35 USC § 103(a) as being unpatentable over Rhodes et al. (U.S. Patent No. 4,608,785).

As discussed above, the Rhodes reference does not appear to teach each unit including a semi-public area adjacent to an entrance into the unit and adjacent to the atrium. Therefore the reference does not teach or suggest each and every element of Applicant's invention of claim 56. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of claim 56 and to those that depend therefrom.

Allowable Subject Matter

Applicant notes with appreciation the allowance of claims 39-43, 46, 48-50 and 60-61. Claims 51-52 and 58-59 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant will utilize this allowable subject matter at a future time.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 16<sup>th</sup> day of April, 2007.

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